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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,555	12/01/2005	In-Hwan Choi	AB-1405 US	3262

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EXAMINER
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RAMDHANIE, BOBBY

ART UNIT	PAPER NUMBER
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1797

MAIL DATE	DELIVERY MODE
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02/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/520,555

**Applicant(s)**

CHOI ET AL.

**Examiner**

Bobby Ramdhanie, Ph.D.

**Art Unit**

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/01/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/05/2005, 05/25/2006.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al (WO 00/05581). Regarding Claim 1, Anderson et al teaches a biochemical components analyzing device which is used together with a test strip (Figure 1a), comprising: A). A first socket into which a photometric test strip is inserted (Figure 1a Item 30 or 48); C). A second socket into which an electrochemical test strip is inserted (Figure 1 a Item 30 or 48); C). Means for analyzing the biochemical components with a photometric method when the biochemical components is applied in the photometric test strip (Abstract); D). Means for analyzing the biochemical components with an electrochemical method when the biochemical components are applied in the electrochemical test strip (Abstract); D). Means for displaying analysis results from the photometric analyzing means and the electrochemical analyzing means (Page 7 line10-12); and E). A controller for driving the photometric analyzing means when the photometric test strip is inserted into the first socket, and driving the electrochemical analyzing means when the electrochemical test strip is inserted into the second socket (Page 6 lines 31-34 or Page 7 lines 19-20)).

3. For Claim 2, Anderson et al teaches the biochemical components analyzing device as set forth in Claim 1, wherein: A). the photometric test strip has a recognition electrode indicating information about target material and analysis method by the position formed on the photometric test strip (Abstract); and the first socket includes plural terminals one of which is electrically connected with the recognition electrode, and determines analysis method and target material of the photometric test strip inserted into the first socket according to the position of the terminal that is electrically connected with the recognition electrode (Figure 1a). Examiner takes the position that these features would be inherent to the photometric device for its operation.

4. For Claim 3, Anderson et al teaches the biochemical components analyzing device as set forth in Claim 2, wherein: the first socket determines whether the photometric test strip is inserted, according to electrical connection between the terminals for the recognition electrode of the first socket and the recognition electrode of the photometric test strip electrode (Figure 1a). Examiner takes the position that these features would be inherent to the photometric device for its operation.

5. For Claim 4, Anderson et al teaches the biochemical components analyzing device as set forth in Claim 1, wherein: the first socket has a built-in switch that determines whether the photometric test strip is inserted (Page 11, line 30- Page 12 line 4).

6. For Claim 5, Anderson et al teaches the biochemical components analyzing device as set forth in Claim 1, wherein: the electrochemical test strip has a reference electrode, a working electrode, and a recognition electrode indicating information about

target material and analysis method by the position formed on the electrochemical test strip; and the second socket includes a first terminal electrically connected with the working electrode, a second terminal electrically connected with the reference electrode, and a plurality of third terminal one of which is electrically connected with the recognition electrode, and determines analysis method and target material of the electrochemical test strip inserted into the second socket according to the position of the third terminal which is electrically connected with the recognition electrode (Abstract). Examiner takes the position that this would be inherent to the device because of the electrochemical test strip being used.

7. For Claim 6, Anderson et al teaches a biochemical components analyzing device which is used together with a test strip, comprising: A). A socket into which a photometric test strip or an electrochemical test strip is inserted selectively (Figure 1a Items 30 or 48); B). Means for analyzing the biochemical components with a photometric method when the biochemical components are applied in the photometric test strip (Page 6 lines 31-34); C). Means for analyzing the biochemical components with an electrochemical method when the biochemical components are applied in the electrochemical test strip (Page 6 lines 31-34); D). Means for displaying analysis results from the photometric analyzing means and the electrochemical analyzing means (Page 7 lines 9-12); and a controller for driving the photometric analyzing means when the photometric test strip is inserted into the socket, and driving the electrochemical analyzing means when the electrochemical test strip is inserted into the socket (Page 6 lines 31-34 or Page 7 lines 19-20).

8. For Claim 7, Anderson et al teaches the biochemical components analyzing device as set forth in Claim 6, wherein: the photometric test strip has a first recognition electrode indicating information about target material and analysis method by the position formed on the photometric test strip, the electrochemical test strip has a reference electrode, a working electrode, and a second recognition electrode indicating information about target material and analysis method by the position formed on the electrochemical test strip, and the socket includes a first terminal electrically connected with the working electrode; a second terminal electrically connected with the reference electrode; and a plurality of third terminal one of which is electrically connected with the first recognition electrode or the second recognition electrode, and determines analysis method and target material of the test strip inserted into the socket according to the position of the third terminal which is electrically connected with the first recognition electrode or the second recognition electrode (Abstract). Examiner takes the position that this would be inherent to the device because of the electrochemical test strip being used.

9. For Claim 8, Anderson et al teaches the biochemical components analyzing device as set forth in Claim 7, wherein: the socket determines whether the test strip is inserted according to electrical connection between the third terminal of the socket and the recognition electrode of the test strip inserted into the socket (Figure 1a). Examiner takes the position that these features would be inherent to the photometric device for its operation.

10. For Claim 9, Anderson et al teaches the biochemical components analyzing device as set forth in Claim 7, wherein: the socket has a built-in switch that determines whether the photometric test strip is inserted (Page 11, line 30- Page 12 line 4 & Page 13 line 37 to Page 14 line 2).

11. For Claim 10, Anderson et al teaches the biochemical components analyzing device as set forth in Claim 6, wherein: the electrochemical test strip has a reference electrode, a working electrode, and a recognition electrode indicating information about target material and analysis method by the position formed on the electrochemical test strip; and the socket includes a first terminal electrically connected with the working electrode, a second terminal electrically connected with the reference electrode, a plurality of third terminal one of which is electrically connected with the recognition electrode, and determines analysis method and target material of the test strip inserted into the socket according to the position of the third terminal which is electrically connected with the recognition electrode, and a built-in switch that determines whether the test strip is inserted (Abstract & Page 13 line 36 to Page 14 line 2). Examiner takes the position that this would be inherent to the device because of the electrochemical test strip being used.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bobby Ramdhanie, Ph.D. whose telephone number is 571-270-3240. The examiner can normally be reached on Mon-Fri 8-5 (Alt Fri off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BR

  
WALTER D. GRIFFIN  
SUPERVISORY PATENT EXAMINER